

# **EXHIBIT**

# **B**

Mary Angie Garcia

District Clerk



Bexar County

**CERTIFICATE**  
(Entire file)

**STATE OF TEXAS**  
**COUNTY OF BEXAR**

I, Roxanne Araiza Deputy District Clerk for *Mary Angie Garcia*, District Clerk of Bexar County, Texas, do hereby certify that the documents found to be in Cause Number 2021-CI-10275 and Styled ROBERT GREEN, III VS LOWES COMPANIES, INC. ET AL filed in the 408th Judicial District Court of Bexar County, Texas, and which represents the content of the entire file and certified as being held and recorded within the District Clerk's Office of Bexar County, Texas.

**GIVEN UNDER MY HAND AND OFFICIAL SEAL** of said court at the office in the City of San Antonio, Bexar County, Texas, on July 1, 2021 .

*Mary Angie Garcia*  
*Bexar County District Clerk*

By:

*Roxanne Araiza*  
Roxanne Araiza, Deputy



**2021CI10275**

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CAUSE NO. \_\_\_\_\_

**ROBERT GREEN III  
PLAINTIFF,**

**VS.**

**LOWE'S COMPANIES, INC. and  
UNKNOWN EMPLOYEE  
DEFENDANTS.**

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**IN THE DISTRICT COURT**

Bexar County - 408th District Court

**JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**



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**PLAINTIFF'S ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

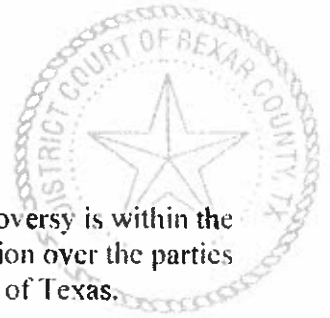
**NOW COMES PLAINTIFF, ROBERT GREEN III**, hereinafter referred to by name or as Plaintiff, and complains of **LOWE'S COMPANIES, INC. and UNKNOWN EMPLOYEE**, hereinafter referred to by name or as Defendants, and for cause of action would respectfully show unto the Court as follows:

**I.  
DISCOVERY CONTROL PLAN**

1. Plaintiff intends that discovery be conducted under **LEVEL 3** of **RULE 190** of the **TEXAS RULES OF CIVIL PROCEDURE**.

**II.  
PARTIES**

2. Plaintiff, **ROBERT GREEN III**, is an individual residing in **BEXAR COUNTY, Texas**.
3. Defendant, **LOWE'S COMPANIES, INC.**, is a non-resident business entity doing business in the State of Texas, and may be served by serving its registered agent: Corporation Services Company, dba CSC-Lawyer's Incorporating Service Company. at 211 East 7th Street, Suite 620, Austin, Texas 78701-3218.
4. Defendant, **UNKNOWN EMPLOYEE**, on information and belief, is an individual residing in Bexar County, Texas, and while his or her current name and address is currently unknown, he or she will be properly served upon identification by Defendant, **LOWE'S COMPANIES, INC.**



**III.**  
**JURISDICTION & VENUE**

5. This Court has jurisdiction over the parties because the amount in controversy is within the jurisdictional limits of this Court. Additionally, this Court has jurisdiction over the parties because Defendants are Texas residents and/or do business in the State of Texas.
6. Venue is proper in BEXAR COUNTY in this cause pursuant to § 15.002(a)(1) of the CIVIL PRACTICE & REMEDIES CODE because the incident which forms the basis of this lawsuit occurred in BEXAR COUNTY, TEXAS.

**IV.**  
**FACTS**

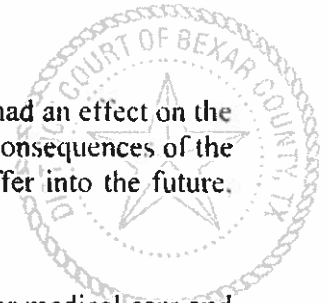
7. On or about November 27, 2020, Plaintiff, **ROBERT GREEN III**, was operating a 2018 Dodge Ram 250, in a lawful manner, on Henderson Pass, San Antonio, Bexar County, Texas. Defendant, **UNKNOWN EMPLOYEE**, was operating a 2020 Freightliner M2 in the course and scope of his employment for Defendant, **LOWE'S COMPANIES, INC.**, when suddenly, and without warning, struck Plaintiff's vehicle, causing personal injuries and property damage.

**V.**  
**CAUSES OF ACTION AGAINST DEFENDANTS**

- A. ***NEGLIGENCE/RESPONDEAT SUPERIOR***
8. The occurrence, reflected in the above paragraphs, made the basis of this suit, and the resulting injuries and damages of Plaintiff were proximately caused by the negligent conduct of the Defendants.
9. Defendant, **UNKNOWN EMPLOYEE**, operated the vehicle Defendant was driving in a negligent manner by violating the duty which Defendant owed the Plaintiff to exercise ordinary care in the operation of Defendant's motor vehicle.
10. Defendant, **LOWE'S COMPANIES, INC.**, is liable under the Doctrine of *Respondeat Superior* in that the Defendant, **UNKNOWN EMPLOYEE**, was acting in the course and scope of his or her employment for **LOWE'S COMPANIES, INC** at the time of the collision.

**VI.**  
**DAMAGES**

11. As a direct and proximate result of the collision and the negligent conduct of the Defendants, Plaintiff, **ROBERT GREEN III**, suffered bodily injuries as reflected in the medical records from the health care providers that have treated the injuries since the



collision. The injuries may be permanent in nature. The injuries have had an effect on the Plaintiff's health and well-being. As a further result of the nature and consequences of the Plaintiff's injuries, the Plaintiff has suffered and may continue to suffer into the future, physical pain and mental anguish.

12. As a further result of all of the above, Plaintiff has incurred expenses for medical care and attention in the past and may incur medical expenses in the future to treat such injuries.
13. Plaintiff has also suffered losses and damages to personal property, including but not limited to damage to Plaintiff's vehicle for which Plaintiff has never been compensated.
14. By reason of all of the above, Plaintiff has suffered losses and damages in a sum within the jurisdictional limits of this Court for which Plaintiff now sues.
15. Plaintiff asserts that the amount of any monetary damages awarded to Plaintiff should be decided by a jury of Plaintiff's peers. However, RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE requires Plaintiff to affirmatively plead the amount of damages sought. Pursuant to RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE, Plaintiff seeks monetary relief **OVER ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)** and a demand for judgment for all the other relief to which Plaintiff is justly entitled at the time of filing this suit, which, with the passage of time, may change.

#### **VII.** **INTEREST**

14. Plaintiff further requests both pre-judgment and post-judgment interest on all Plaintiff's damages as allowed by law.

#### **VIII.** **DEMAND FOR JURY TRIAL**

15. Plaintiff, **ROBERT GREEN III**, demands a trial by jury. Plaintiff acknowledges payment this date of the required jury fee.

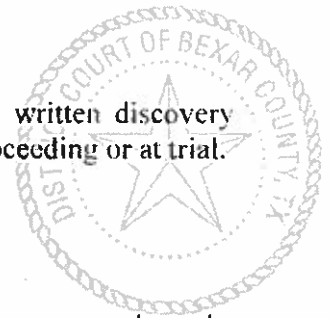
#### **IX.** **REQUEST FOR DISCLOSURE**

16. Pursuant to RULE 194 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is requested to disclose, within thirty (30) days of service hereof, the information and material described in each section of RULE 194.2.

#### **X.** **NOTICE OF SELF-AUTHENTICATION**

17. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendant is

hereby noticed that the production of any document in response to written discovery authenticates the document for use against that party in any pretrial proceeding or at trial.



**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff requests that the Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff has judgment against the Defendants in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;
10. Physical disfigurement in the future;
11. Lost wages in the past;
12. Loss of future wage-earning capacity;
13. Loss of use;
14. Pre-judgment interest;
15. Post-judgment interest; and
16. Exemplary damages

**RESPECTFULLY SUBMITTED,**

**THE LAW OFFICE OF THOMAS J. HENRY**

5711 University Heights Blvd.

Ste. 101

San Antonio, TX 78249

Tel. (361) 985-0600

Fax. (361) 985-0601



By: Victoria Tuhovak

Victoria Tuhovak

State Bar No. 24120407

\*Email: [vtuhovak-svc@thomasjhenrylaw.com](mailto:vtuhovak-svc@thomasjhenrylaw.com)

**\* service by this email only**

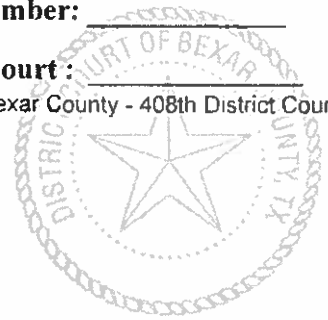
**ATTORNEY FOR PLAINTIFF**



Cause Number: \_\_\_\_\_

District Court: \_\_\_\_\_

Bexar County - 408th District Court



cit pps

**Mary Angie Garcia  
Bexar County District Clerk**

**Request for Process**

Style: \_\_\_\_\_ Vs. \_\_\_\_\_

Request the following process: (Please check all that Apply)

- ☐ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Temporary Protective Order  
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment  
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: \_\_\_\_\_

1.

Name: \_\_\_\_\_

Registered Agent/By Serving: \_\_\_\_\_

Address: \_\_\_\_\_

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door  
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

2.

Name: \_\_\_\_\_

Registered Agent/By Serving: \_\_\_\_\_

Address: \_\_\_\_\_

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door  
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

3.

Name: \_\_\_\_\_

Registered Agent/By Serving: \_\_\_\_\_

Address: \_\_\_\_\_

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door  
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

4.

Name: \_\_\_\_\_

Registered Agent/By Serving: \_\_\_\_\_

Address: \_\_\_\_\_

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Publication (Check One) ☐ Commercial Recorder ☐ Hart Beat ☐ Courthouse Door  
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Commissioner of Insurance

Title of Document/Pleading to be Attached to Process: \_\_\_\_\_

Name of Attorney/Pro se: \_\_\_\_\_ Bar Number: \_\_\_\_\_

Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Attorney for Plaintiff \_\_\_\_\_ Defendant \_\_\_\_\_ Other \_\_\_\_\_

\*\*\*\*IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED\*\*\*\*



PRIVATE PROCESS

Case Number: 2021CI10275

Robert Green, III VS Lowes Companies, Inc. ET AL

IN THE 408th District Court  
BEXAR COUNTY, TEXAS

(Note: Attached Document May Contain Additional Litigants.)

## CITATION

"THE STATE OF TEXAS"

Directed To: **Lowe's Companies, Inc. by serving Corporation Services Company, dba CSC-Lawyer's Incorporating Service Company**  
**211 E 7th St, Ste. 620**  
**Austin, TX 78701**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said **ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE** was filed on the **on this the 24th day of May, 2021.**

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 3rd day of June, 2021.

**VICTORIA TUHOVAK**  
**ATTORNEY FOR PLAINTIFF**  
**521 STARR ST**  
**CORPUS CHRISTI TX 78401**



**Mary Angie Garcia**  
**Bexar County District Clerk**  
**101 W. Nueva, Suite 217**  
**San Antonio, Texas 78205**

By: /s/ **Ana Cortijo**

Ana Cortijo, Deputy

**Robert Green, III VS Lowes Companies, Inc.**  
**ET AL**

## Officer's Return

Case Number: 2021CI10275

Court: 408th District Court

I received this CITATION on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with the attached ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE on the date of delivery endorsed on it to the defendant \_\_\_\_\_ in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_  
 \_\_\_\_\_ County, Texas

BY: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
 \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

Declarant

FILED  
6/7/2021 9:16 PM

PRIVATE PROCESS

Mary Angie Garcia

Bexar County District Clerk

Case Number: 2021CI10275

Accepted By: Christopher Gutierrez

IN THE 408th District Court

BEXAR COUNTY, TEXAS

Robert Green, III VS Lowes Companies, Inc. ET AL

(Note: Attached Document May Contain Additional Litigants.)

## CITATION

"THE STATE OF TEXAS"

Directed To: **Lowe's Companies, Inc. by serving Corporation Services Company, dba CSC-Lawyer's Incorporating Service Company**  
**211 E 7th St, Ste. 620**  
**Austin, TX 78701**

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." Said **ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE** was filed on the on this the **24th day of May, 2021.**

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS **3rd day of June, 2021.**VICTORIA TUHOVAK

ATTORNEY FOR PLAINTIFF

521 STARR ST

CORPUS CHRISTI TX 78401



Mary Angie Garcia

Bexar County District Clerk

101 W. Nueva, Suite 217

San Antonio, Texas 78205

By: /s/ Ana Cortijo

Ana Cortijo, Deputy

Robert Green, III VS Lowes Companies, Inc.  
ET AL

## Officer's Return

Case Number: 2021CI10275

Court: 408th District Court

I received this CITATION on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with the attached ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE on the date of delivery endorsed on it to the defendant \_\_\_\_\_, in person on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_.

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_  
 \_\_\_\_\_ County, Texas

BY: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
 \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_.

\_\_\_\_\_  
Declarant

**AFFIDAVIT OF SERVICE**

**State of Texas**

**County of Bexar**

Case Number: 2021CI10275

Plaintiff:

**ROBERT GREEN III**

vs.

Defendant:

**LOWE'S COMPANIES, INC. and UNKNOWN EMPLOYEE**

For:

VICTORIA TUHOVAK

Law Office Of Thomas J. Henry

P.O. Box 696025

SAN ANTONIO, TX 78269



Received by Mike Techow on the 4th day of June, 2021 at 8:48 am to be served on **Lowe's Companies, Inc. by serving Corporation Services Company, dba CSC-Lawyer's Incorporating Service Company, 211 E 7th St, Ste. 620, Austin, TX 78701.**

I, Mike Techow, being duly sworn, depose and say that on the **4th day of June, 2021 at 3:10 pm, I:**

served a **CORPORATION** by delivering a true copy of the **CITATION /PLAINTIFF'S ORIGINAL PETITION WITH REQUESTS FOR DISCLOSURE** with the date and hour of service endorsed thereon by me, to: **Samantha Guerra, Corporation Services Company, dba CSC-Lawyer's Incorporating Service Company as Authorized Agent, at the address of: 211 E 7th St, Ste. 620, Austin, TX 78701, and informed said person of the contents therein, in compliance with state statutes.**

My name is Mike Techow. My date of birth is 6/26/1972. My work address is 809 Nueces, Austin, TX 78701. I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County on June 3rd, 2021 by Mike Techow, declarant.

**Mike Techow**  
PSC-1215, Exp. 7/31/2022

**Pronto Process (San Antonio)**  
P.O. Box 7819  
San Antonio, TX 78207  
(210) 226-7192

Our Job Serial Number: BBW-2021006034

CAUSE NO. 2021CI10275

**ROBERT GREEN III,**  
**PLAINTIFF**

**VS.**

**LOWE'S COMPANIES, INC. and**  
**UNKNOWN EMPLOYEE,**  
**DEFENDANTS**

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**IN THE DISTRICT COURT**

**408<sup>TH</sup> JUDICIAL DISTRICT**

**BEXAR COUNTY, TEXAS**



**NOTICE OF DESIGNATION OF LEAD COUNSEL**

**TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Plaintiff **ROBERT GREEN III** and files this Designation of Lead Counsel in the above-referenced and numbered cause, pursuant to Rules 7, 8, and 10 of the Texas Rules of Civil Procedure.

Plaintiff **ROBERT GREEN III** respectfully requests that the following be designated as Lead Counsel:

**JON W. CAPPO**  
The Law Office of Thomas J. Henry  
5711 UNIVERSITY HEIGHTS BLVD, STE 101  
San Antonio, Texas 78249  
Tel. (210) 656-1000  
Fax. (361) 985-0601  
STATE BAR NO. 24115018  
*\*email: jcappo-svc@thomasjhenrylaw.com*

**\*Plaintiffs designate the above-referenced e-mail address as the only e-mail address to be used for service via e-filing. Notice is hereby given that e-mails sent to any other e-mail address will not be accepted for the purposes of service in this cause. If e-filing is not currently available, then service will be designated in accordance with the Texas Rules of Civil Procedure.**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff prays that the Court and counsel make record of this Designation of Lead Counsel in the above-referenced and numbered cause.

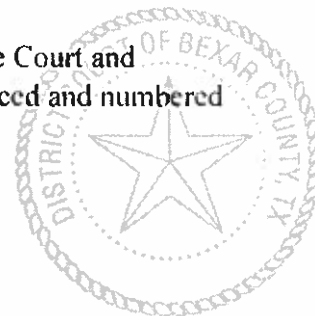
**RESPECTFULLY SUBMITTED,**

**JON W. CAPPO**  
**LAW OFFICES OF THOMAS J. HENRY**  
**5711 UNIVERSITY HEIGHTS BLVD, SUITE 101**  
**SAN ANTONIO, TEXAS 78249**  
**PHONE: (361) 985-0600**  
**FAX: (361) 985-0601**

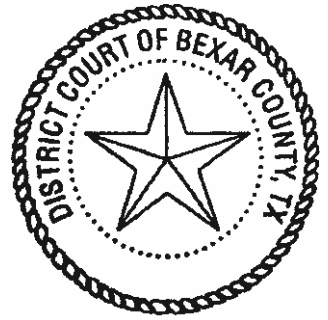


**STATE BAR NO. 24115018**  
*\*email: [jcappo-svc@thomasjhenrylaw.com](mailto:jcappo-svc@thomasjhenrylaw.com)*  
**ATTORNEY FOR PLAINTIFF**

**\* service by email to this address only**



CERTIFIED COPY CERTIFICATE STATE OF TEXAS  
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT  
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE AND CORRECT COPY OF THE ORIGINAL  
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS  
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



*July 01, 2021*

By: MARY ANGIE GARCIA,  
BEXAR COUNTY, TEXAS  
*Roxanne Araiza*  
ROXANNE ARAIZA, Deputy District Clerk  
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)